

AMENDMENTS TO THE DRAWINGS

Attached hereto is one (1) replacement sheet of a corrected formal drawing that complies with the provisions of 37 C.F.R. § 1.84. This replacement sheet, which depicts Figure 8 replaces the original sheet depicting Figure 8.

The corrected formal drawing incorporates the following drawing changes:

The label "Conventional Art" is added to Fig. 8.

It is respectfully requested that the corrected formal drawing be approved and made a part of the record of the above-identified application.

REMARKS

Claims 1-11 are pending in this application. Claims 1 and 9 are independent claims.

By this amendment, claims 1 and 9 are amended, and new claims 10 and 11 are added. In addition, the specification is amended and Fig. 8 is amended. Support for the amendments can at least be found in the present specification on page 27, line 22 to page 28, line 2.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

Drawing Corrections

The Office Action objects to Fig. 8 because only that which is old is illustrated. (see Office Action, page 2). Applicant respectfully points out that in amended Figure 8, the legend "Conventional Art" is added.

As such, Applicant respectfully requests withdrawal of the objections to the drawing and further requests that the corrected drawing be approved and made a part of the record of the above-identified application.

The Objections to the Disclosure are Obviated

The Office Action objects to disclosure because it is alleged that the application fails to include an abstract. Furthermore, the Office Action indicates that there are no amendments to the specification as indicated by the Preliminary Amendment filed August 27, 2003. (see Office Action, page 2, item 1). These objections are respectfully traversed.

Applicant respectfully points out that pursuant to a telephone conference held with the Examiner on December 1, 2006 concerning the above noted matter, the Examiner conceded that he was in error about the Abstract of the Disclosure, and that there is indeed an Abstract of the Disclosure in the specification. As such, no Abstract submission is necessary. As for the amendments to the specification noted in the August 27, 2003 Preliminary Amendment, the Examiner mentioned that it appears that the amendments to the specification filed with the

Preliminary Amendment were never properly scanned into the U.S. Patent Office's system and are thus unavailable to him. As such, Applicant is resubmitting such specification amendments at this time.

Accordingly, withdrawal of the objection to the disclosure is respectfully solicited.

The Claims Define Patentable Subject Matter

The Office Action makes the following rejections:

- (1) claims 1-4 and 6-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0056134 to Abe et al. (hereafter Abe) in view of U.S. Patent Application Publication No. 2003/0031198 to Currivan et al. (hereafter Currivan); and
- (2) Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Abe in view of Currivan and further in view of U.S. Patent Application Publication No. 2003/0106067 to Hoskins.

These rejections are respectfully traversed.

Applicant respectfully submits that neither Abe nor Currivan, taken singularly or in combination, (assuming these teachings may be combined, which applicant does not admit) teach or suggest each and every feature as set forth in the present invention.

For example, the Examiner admits that Abe fails to teach or suggest that the tuner has a return path circuit that includes a return path amplification circuit for performing power amplification of a signal transmitted from the signal processing section. (see Office Action, pages 3-4). However, in an attempt to show the above noted feature, the Examiner imports Currivan.

Specifically, the Examiner alleges that Currivan discloses the return path circuit including a return path amplification circuit as shown in Figure 2 comprising an amplifier 230 for performing power amplification of a signal transmitted from the signal processing section. Applicant

respectfully disagrees that Currivan's return path circuit in Fig. 2 reads on the claimed return path circuit.

For example, Applicant submits that Currivan's return path circuit as identified by the Examiner (i.e., including amplifier 230) fails to be configured for receiving upstream signals, as set forth in the present invention. Instead, the transmitter portion in Fig. 2 (which includes the amplifier 230) of Currivan appears to be configured for downstream signals.

Furthermore, Currivan fails to disclose that the amplifier 230 is a "power amplifier". Instead, Currivan merely discloses amplifier 230 as an amplifier which amplifies a filtered signal and outputs it to the IF output 212. No power amplification is described with reference to Currivan's Fig. 2 transmitter portion (see Currivan, paragraph [0072]).

Furthermore, both Currivan and Abe fail to disclose that the tuner and the signal processing section are formed on different boards. For instance, in contrast with the cited art, in the present invention it is noted that at the bottom of the chassis shown in Fig. 5, terminals indicated by *h* are provided. These terminals are connected to the board making up the signal processing section 42 shown in Fig. 2. Namely, in the present invention the tuner 41 and the signal processing section 42 are hard-wired via the terminals *h*. (see present specification, page 27, line 22 to page 28, line 2).

Both Currivan and Abe fail to teach or suggest the tuner and the signal processing section being formed on different boards.

Furthermore, Currivan's Fig. 3 fails to disclose return path amplification circuit that includes a preamplifier, a digital gain control circuit and power amplification circuits, as set forth in claims 10 and 11. As such, Applicant respectfully submits that the present return path amplification circuit is quite distinguishable from Currivan's transmitter portions.

Furthermore, the Examiner alleges that Hoskins discloses a balanced/unbalanced converter that would have been obvious to utilize in Abe and Currivan. (see Office Action, page 6). Applicant also respectfully disagrees with this allegation. While Hoskins discloses a balun, Hoskins fails to disclose utilizing a balun in the manner claimed, i.e., in a return path circuit of a tuner. Instead,

Hoskins merely discloses that the data link between a centralized controller or CMTS and one or more cable modems may include various OSI layer devices and/or combinations thereof, such as baluns. However, Applicant respectfully submits that this in no way suggests using a balun in a return path circuit of a tuner. Hoskins is merely looking at the link between a CMTS and a cable modem, not a return path circuit in a tuner.

Applicant respectfully submits that both Currivan and Hoskins fail to make up for the deficiencies found in Abe.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicant respectfully submits that the examiner has failed to establish a *prima facie* case of obviousness at least in part because the examiner has failed to show how each and every feature is taught by the cited art.

Applicant respectfully submits that independent claims 1 and 9 are allowable over the cited art for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejections of claims 1-9 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

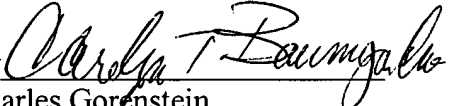
In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

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Respectfully submitted,

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Attachment(s): One (1) replacement drawing sheet: Fig. 8